

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

BRAD PEARSON,

Plaintiff,

v.

**ILLINOIS CENTRAL RAILROAD,
d/b/a CN/IC, a corporation,**

Defendant.

No. 06-cv-0822-DRH

ORDER

HERNDON, Chief Judge:

Now before the Court is Illinois Central Railroad Company's trial brief in support of the admissibility of Plaintiff's pre-existing medical conditions at the L4-5 level of his back (Doc. 44). In this pleading, Illinois Central moves to admit evidence of Plaintiff's: (1) prior accident; (2) prior lawsuit; (3) prior release; and (4) prior medical, all of which are in regard to the same level of his spine which he is alleging was injured in this action. In response, Pearson states that "the jury is most probably entitled to hear evidence concerning plaintiff's pre-existing L4-5 medical evidence...." (Doc. 47). However, Pearson argues that there is no basis to admit Illinois Central's other requests. The Court agrees with Pearson. The Court finds that evidence relating to Pearson's prior accident, prior lawsuit and prior release is irrelevant, immaterial and prejudicial. Thus, the Court **GRANTS** Illinois Central's request to introduce evidence of Pearson's prior medical care and **DENIES** Illinois

Central's request to introduce evidence of the prior accident; the prior lawsuit and the prior release.

IT IS SO ORDERED.

Signed this 26th day of June, 2008.

/s/ David R. Herndon

**Chief Judge
United States District Court**